

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

No. 4:06-CR-39-F2  
No. 4:10-CV-36-F

LADERICK DEVON PITTMAN, )  
Petitioner, )  
 )  
v. )  
 )  
UNITED STATES OF AMERICA, )  
Respondent. )

ORDER

This matter is before the court on the petitioner's motion to vacate his conviction pursuant to 28 U.S.C. § 2241 [DE-76]. The Government has filed a motion to dismiss the petition [DE-81], asserting that the court does not have jurisdiction to decide the petition. A § 2241 petition must be filed in the district in which the prisoner is incarcerated. § 2241(a); *In re Jones*, 226 F.3d 328, 332 (4th Cir. 2000). It appears Pittman was incarcerated in the Eastern District of Virginia at the time he filed the petition. According to the Bureau of Prisons online inmate locator, Pittman may now be in custody in this district. However, jurisdiction is determined as of the time of filing the petition and subsequent transfers by the BOP cannot confer jurisdiction. *Lee v. Wetzel*, 244 F.3d 370, 375 n. 5 (5th Cir. 2001) (explaining jurisdiction in the district to which the petitioner was transferred was improper because "jurisdictional facts must be judged as of the time the complaint is filed") (quotation omitted); *United States v. Edwards*, 27 F.3d 564, 1994 WL 285462, at \*1 (4th Cir. 1994) (per curiam)

Because the Government refuses to waive its jurisdictional defenses, Pittman's motion to vacate under § 2241 [DE-76] is DENIED without prejudice to file the petition in the correct

district. The Government's motion to dismiss [DE-81] is ALLOWED and the Clerk of Court is DIRECTED to close this case.

SO ORDERED.

This the 3 day of July, 2014.

James C. Fox  
JAMES C. FOX  
Senior United States District Judge